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Trustee*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

DOUBLE JUMP, INC.

Debtor.

Lead Case No.: BK-19-50102-gs
(Chapter 7)

Jointly Administered with:

19-50130-gs	DC Solar Solutions, Inc.
19-50131-gs	DC Solar Distribution, Inc.
19-50135-gs	DC Solar Freedom, Inc.

X Affects DC Solar Solutions, Inc.
X Affects DC Solar Distribution, Inc.
X Affects DC Solar Freedom, Inc.
X Affects Double Jump, Inc.

**RE-NOTICE OF VIDEOTAPED RULE
2004 EXAMINATION OF AHERN
RENTALS, INC.**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Bankruptcy Procedure 2004 and the *Order Granting Ex Parte Motion for Rule 2004 Examination of Ahern Rentals, Inc.* [ECF No. 1673], Christina Lovato, Chapter 7 trustee ("**Trustee**"), will, by agreement, take the examination of AHERN RENTALS, INC. through Cory Rosencranse, its designated representative, who consents to testify on its behalf with respect to the topics set forth in Exhibit

1 1 on November 30, 2021 at 9:00 am PST / 12:00 pm EST via Veritext Legal Solutions, upon oral
2 examination, before a Notary Public or other officer authorized by law to administer oaths (“**2004**
3 ***Examination***”).

4 Unless otherwise indicated in a subsequent court filing, the 2004 Examination shall take
5 place remotely via video-conference pursuant to the terms described in the *Order Granting Motion*
6 *to Establish Protocols to Safely, Fairly and Efficiently Conduct F.R.B.P. 2004 Oral Examinations*
7 *as a Result of COVID-19 (“Protocol Order”)* [ECF No. 1831] (a copy of which is attached as
8 Exhibit 2).¹

9 The Trustee shall be responsible for scheduling the 2004 Examination with Veritext Legal
10 Solutions. All parties shall take all reasonable steps to ensure compliance with the terms set forth
11 in the Protocol Order.

12 Notice is further given that unless the parties agree or the court orders otherwise, the
13 deposition will be recorded by video and stenographic means pursuant to FRCP 30. In the event
14 the deposition is recorded by means other than written transcription, at the time of introduction
15 and/or filing of such recording, a written transcription of the deposition shall be presented to the
16 Court.

17 Counsel for the Trustee shall use his best efforts to limit the 2004 Examination of its
18 witness to 1 day for 7 hours (exclusive of off-the-record breaks); however, the oral examination
19 will continue from day-to-day until completed if necessary.

20 Dated: November 10, 2021.

21
22 /s/ Solomon B. Genet (Admitted Pro Hac Vice)
23 Solomon B. Genet, Esq., (FL Bar 617911)
24 200 S. Biscayne Blvd., Suite 3200
25 Miami, FL 33131
26 Telephone: (305) 358-6363
27 Facsimile: (305) 358-1221
28 *Attorney for Christina Lovato, Chapter 7 Trustee*

¹ Counsel for Examinee was served a copy of the Protocol Order.

CERTIFICATE OF SERVICE

I certify that on November 10, 2021, I caused to be served the above-named document as indicated below:

- ✓ a. Via ECF to upon the parties listed on the attached Exhibit 3:
✓ b. Via Direct Email to Mark J. Connot, Esq., mconnot@foxrothschild.com and the following:

mara@bayareadrainage.com;
taxinfo@tax.cccounty.us;
deboltcivil@earthlink.net;
jquy1089@yahoo.com;
lesterray420@gmail.com;
rbpainting66@yahoo.com;
cromero@sfandb.com;
billing.help@iag.com;
harry.placenti@us.army.mil;
21techlife@gmail.com;
waterbilling@cityofmartinez.org;
fredsfloorcovering@gmail.com;
ctrent@msconstruction.com;
taxcollector@countyofnapa.org;
mail@nativesonslandscaping.com;
shaunrang@sbcglobal.net;
ttccc@solanocounty.com;
rcoff@orkin.com;
pacific_coast_wp@att.net;
dbg@crsrealestate.com;
ar@alpinepowersystems.com;
billing@kmhsystems.com;
ca@ahern.com;
jansen.carl9@gmail.com;
pmaddox@iscmotorsports.com;
erossi@cedantioch.com;
rachel.larrenaga@chargepoint.com;
jworthen@ganassi.com;
tbgna@exide.com;
dcook@kansasspeedway.com;
jfarris@ejmjets.com;
troyv@pacificmetalfab.net;
chassen@richmondtraceway.com;
erivera@talladegasuperspeedway.com;
mquall@quallcardot.com;
ben.nelson@wexinc.com;

I declare under penalty of perjury that the foregoing is true and correct.

DATED: November 10, 2021.

/s/ Solomon B. Genet
Solomon B. Genet, Esq.

EXHIBIT 1

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TOPICS

(all capitalized terms are defined Below)

1. The relationship between You and DC Solar, including but not limited to transactions and contemplated transactions, limited to the time frame from January 1, 2014 through February 3, 2019.
2. The transfer of monies between You and DC Solar, including the purpose of those transfers, limited to the time frame from January 1, 2014 through February 3, 2019.
3. The relationship between You and (1) Solar Eclipse Fund IX and (2) Efficient Energy Distribution, Inc., limited to the time frame from January 1, 2014 through February 3, 2019.
4. Your knowledge of interactions between Your employees' affiliated entities, including but not limited to Ahern AD, LLC and Xtreme Manufacturing, LLC, and DC Solar, the Funds or Jeffrey Carpoff, limited to the time frame from January 1, 2014 through February 3, 2019.
5. Evan Ahern's role with You and his interactions with DC Solar, the Funds or Jeffrey Carpoff.

Definitions

1
2 1. All references to any person shall have the broadest possible interpretation,
3 including all persons and entities, and includes his/her/its employees, agents, servants,
4 subsidiaries, parent company, affiliated company and any other person or entity or Representative
5 (as defined below) acting or purporting to act on behalf or under his/her control.
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7 2. All references to the singular include the plural, and vice versa.

8 3. “**Debtors**” or “**DC Solar**” shall mean those certain debtors in bankruptcy in the
9 Bankruptcy Case, including but not limited to Double Jump, Inc., DC Solar Solutions, Inc., DC
10 Solar Distribution, Inc. and DC Solar Freedom, Inc., and their agents, representatives and
11 professionals including but not limited to Jeffrey Carpoﬀ, Paulette Carpoﬀ, Ronald Roach, Mike
12 Horan, Dan Briggs and Robert Karmann.
13

14 4. “**Bankruptcy Case**” shall mean the following lead case and all jointly administered
15 cases: *In re Double Jump, Inc.*, Case No. BK-N-19-50102 (Bankr. D. Nev.).
16

17 5. “**Communication**” means any oral or written statement, dialogue, colloquy,
18 discussion or conversation, and includes any transfer of thoughts or ideas or data or information,
19 between persons or locations by means of any Documents or by any other means, including but
20 not limited to electronic or similar means.
21

22 6. “**Control**” means in your possession, custody or control or under your direction,
23 and includes in the possession, custody or control of those under the direction of you or your
24 employees, subordinates, counsel, accountant, consultant, expert, parent company or affiliated
25 corporation, and any person purporting to act on your behalf.
26

27 7. “**Document**” means any written or graphic matter and other means of preserving
28 thought or expression and all tangible things from which information can be processed or

1 transcribed, including the originals and all non-identical copies, whether different from the original
2 by reason of any notation made on such copy or otherwise, including, but not limited to,
3 correspondence, emails, memoranda, notes, messages, letters, telegrams, teletype, telefax,
4 bulletins, meetings or other communications, inter-office and intra-office telephone calls, diaries,
5 chronological data, minutes, books, reports, studies, summaries, pamphlets, bulletins, printed
6 matter, charts, ledgers, invoices, worksheets, receipts, returns, computer printouts, prospectuses,
7 financial statements, schedules, affidavits, contracts, canceled checks, statements, transcripts,
8 statistics, surveys, magazine or newspaper articles, releases (and any and all drafts, alterations or
9 modifications, changes and amendments of any of the foregoing), graphic or aural records or
10 representations of any kind (including without limitation, photographs, microfiche, microfilm,
11 videotape, records and motion pictures) and electronic, mechanical or electric records or
12 representations of any kind (including without limitation, tapes, cassettes, discs and records). For
13 the avoidance of doubt, Document includes but is not limited to all Communications.
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17 8. The terms “***Related to***”, “***Relate to***”, or “***Relating to***” shall mean directly or
18 indirectly, refer to, reflect, describe, pertain to, arise out of or in connection with, or in any way
19 legally, logically, or factually be connected with the matter discussed.

20 9. “***Representative***” means any and all agents, employees, servants, officers, directors,
21 attorneys, or other persons acting or purporting to act on behalf of the person in question.
22

23 10. The words “***and***” and “***or***” as used herein shall be construed either disjunctively or
24 conjunctively as required by the context to bring within the scope of this 2004 Examination any
25 answer that might be deemed outside their scope by another construction.

26 11. “***You***” or “***Your***” or “***Ahern Rentals, Inc.***” refers to Ahern Rentals, Inc., including
27 any person or entity employed by or acting as an agent of Ahern Rentals, Inc., its employees,
28

agents, servants, and other persons acting or purporting to act on behalf of Ahern Rentals, Inc., including any Representative (as defined above).

12. “**Funds**” refers to:

- a. Solar Eclipse Investment Fund, LLC;
- b. Solar Eclipse Investment Fund III, LLC;
- c. Solar Eclipse Investment Fund IV, LLC;
- d. Solar Eclipse Investment Fund V, LLC;
- e. Solar Eclipse Investment Fund VI, LLC;
- f. Solar Eclipse Investment Fund VII, LLC;
- g. Solar Eclipse Investment Fund VIII, LLC;
- h. Solar Eclipse Investment Fund IX, LLC;
- i. Solar Eclipse Investment Fund X, LLC;
- j. Solar Eclipse Investment Fund XI, LLC;
- k. Solar Eclipse Investment Fund XII, LLC;
- l. Solar Eclipse Investment Fund XIII, LLC;
- m. Solar Eclipse Investment Fund XIV, LLC;
- n. Solar Eclipse Investment Fund XV, LLC;
- o. Solar Eclipse Investment Fund XVI, LLC;
- p. Solar Eclipse Investment Fund XVII, LLC;
- q. Solar Eclipse Investment Fund XVIII, LLC;
- r. Solar Eclipse Investment Fund XIX, LLC;
- s. Solar Eclipse Investment Fund XX, LLC;
- t. Solar Eclipse Investment Fund XXI, LLC;
- u. Solar Eclipse Investment Fund XXII, LLC;
- v. Solar Eclipse Investment Fund XXIII, LLC;
- w. Solar Eclipse Investment Fund XXIV, LLC;
- x. Solar Eclipse Investment Fund XXV, LLC;
- y. Solar Eclipse Investment Fund XXVI, LLC;
- z. Solar Eclipse Investment Fund XXVII, LLC;
- aa. Solar Eclipse Investment Fund XXVIII, LLC;
- bb. Solar Eclipse Investment Fund XXIX, LLC;
- cc. Solar Eclipse Investment Fund XXX, LLC;
- dd. Solar Eclipse Investment Fund XXXI, LLC;
- ee. Solar Eclipse Investment Fund XXXII, LLC;
- ff. Solar Eclipse Investment Fund XXXIII, LLC;
- gg. Solar Eclipse Investment Fund XXXIV, LLC;
- hh. Solar Eclipse Investment Fund XXXV, LLC;
- ii. USB DC Solar Fund I, LLC;
- jj. USB DC Solar Fund II, LLC;
- kk. King Solarman (Indion) Fund I, LLC;
- ll. King Solarman (Indion) Fund II, LLC;
- mm. King Solarman (Indion) Fund III, LLC;
- nn. King Solarman (Indion) Fund IV, LLC;

oo. Site Solar (FedOK) Fund I, LLC; and
pp. Site Solar (FedOK) Fund II, LLC;

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Honorable Gary Spraker
 United States Bankruptcy Judge



Entered on Docket
 May 08, 2020

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 Attorney for Christina Lovato,
 Chapter 7 Trustee

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re
 DOUBLE JUMP, INC.
 Debtor.

X Affects DC Solar Solutions, Inc.
X Affects DC Solar Distribution, Inc.
X Affects DC Solar Freedom, Inc.
X Affects Double Jump, Inc.

Lead Case No.: BK-19-50102-gs
 (Chapter 7)

Jointly Administered with:

19-50130-gs	DC Solar Solutions, Inc.
19-50131-gs	DC Solar Distribution, Inc.
19-50135-gs	DC Solar Freedom, Inc.

**ORDER GRANTING MOTION TO
 ESTABLISH PROTOCOLS TO SAFELY,
 FAIRLY AND EFFICIENTLY CONDUCT
 F.R.B.P. 2004 ORAL EXAMINATIONS AS
 A RESULT OF COVID-19**

Hearing Date: April 30, 2020
Hearing Time: 9:30 a.m.

1 This matter came before the Court on April 30, 2020 at 9:30 a.m. The Court reviewed the
2 Omnibus Motion to Establish Protocols to Safely, Fairly, and Efficiently Conduct Federal Rules
3 of Bankruptcy Procedure Rule 2004 Oral Examinations as a Result of COVID-19, filed by
4 Christina Lovato (“Trustee”), as chapter 7 trustee (“Motion”) [ECF No. 1734]; the Trustee’s reply
5 in support of the Motion (“Reply”) [ECF No. 1795]; Solarmore’s¹ joinder in support of the Motion
6 [ECF No. 1790]; the oppositions to the Motion filed by KeyBank and SolarSense² (together, the
7 “Oppositions”) [ECF Nos. 1770 & 1778]; T-Mobile’s³ response to the Motion [ECF No. 1781];
8 and SolarSense’s limited response to T-Mobile’s response [ECF No. 1788]. In addition, the Court
9 has been advised that the Trustee, SolarSense, and KeyBank have reached a consensual resolution
10 regarding the Oppositions. Finding good cause exists to grant the requested relief, pursuant to this
11 Court’s inherent authority and Section 105 of the Bankruptcy Code:

12 **IT IS ORDERED** that the Motion is **GRANTED**, the Oppositions are **OVERRULED AS**
13 **RESOLVED**, and the following protocols (“R. 2004 Protocols”) for the Trustee’s taking of oral
14 R. 2004 examinations shall apply in these Bankruptcy Cases:

- 15 1. The Trustee shall state in the notice of taking the oral R. 2004 Examination (“2004
16 Examination”) that (a) the 2004 Examination will occur by video-conference; and (b) the
17 Trustee will be responsible for scheduling the proposed 2004 Examination with Veritext.
18 The Trustee shall have primary responsibility for arrangements for the 2004 Examination
19 with Veritext.
- 20 2. The Trustee shall serve a copy of this Order on the examinee, except where the examinee
21 has communicated in writing to the Trustee that counsel should be served in the examinee’s
22 stead.
- 23 3. Within five (5) business days of service of the Rule 2004 subpoena, the Trustee and the
24 examinee (through counsel if appropriate) shall meet and confer (“Conference”) to discuss
25 and resolve: (1) a date and time for the 2004 Examination, which shall not be unilaterally

26 ¹ “Solarmore” shall mean Solarmore Management Services, Inc.

27 ² “KeyBank” shall mean KeyBank National Association. “SolarSense” shall mean SolarSense
28 DCS I, LLC.

³ “T-Mobile” shall mean T-Mobile USA, Inc.

1 set prior to the Conference; (2) any logistical issues; and (3) coordination with Veritext to
2 utilize its remote-deposition platform.⁴

- 3 4. Each party to the 2004 Examination shall, at a reasonable time prior to the scheduled 2004
4 Examination, take steps to ensure that its visual and audio connection to Veritext's remote-
5 deposition platform is sufficient on the day of examination, including by ensuring that it
6 has access to (1) a computer with: (i) an internet connection with no less than 5 Mega-bit-
7 per-second upload and download speed; and (ii) functioning web-camera; and (2) a land-
8 line telephone to transmit audio to the Veritext platform during the 2004 Examination.
9 However, if a land-line is unavailable then a mobile phone connection will suffice.
- 10 5. At least one week before the scheduled 2004 Examination, each party and its counsel shall
11 test its ability to connect, and upload exhibits, to the Veritext remote-deposition platform.
12 The Trustee shall cause instructions to be provided for such a test, upon a party's request.
- 13 6. All parties shall act in good faith to fulfill the letter and spirit of these R. 2004 Protocols.
14 In the event that any issues in connection with a specific 2004 Examination or these R.
15 2004 Protocols cannot be resolved consensually, subject to the Court's availability, the
16 parties shall have the right to seek a telephonic hearing with this Court on an expedited
17 basis.
- 18 7. In the event that an examinee's camera stops working, the Trustee shall have the right to
19 decide whether to continue to conduct the 2004 Examination solely via telephone or
20 reschedule. The date for any such re-scheduling shall be coordinated with the examinee's
21 counsel. Any decision by the Trustee to continue with an examination by telephone only
22 shall not be cause for taking a second examination of the examinee.
- 23 8. The examinee shall take all reasonable steps to ensure its attorney is able to access the
24 remote-deposition platform. And while examinees and their counsel are required to
25 cooperate in obtaining access to and usage of the Veritext platform, if they encounter
26 difficulties in doing so, the Trustee will be responsible to assist in addressing and resolving
27 such difficulties.
- 28 9. Veritext's remote-deposition platform provides counsel with the opportunity to engage in
private communications with their clients. Neither the examinee nor its counsel may use
that private-communication mechanism or any other electronic means of communication
while the 2004 Examination is ongoing to confer except during a recess, and only to the
extent and subject to the parameters allowable by law. Counsel for an examinee may make
reasonable requests for recesses, including those to discuss whether a question is subject
to privilege, as customary in non-remote Rule 2004 examinations, which recesses shall be
granted, as customary in non-remote Rule 2004 examinations.

⁴ The Trustee and T-Mobile have agreed on May 27, 2020 as the date for the T-Mobile examination. If for any reason the examination date is changed, the parties will mutually work in good faith to agree on a new date and will not unilaterally serve a new notice of examination or subpoena.

1 10. Subject to confidentiality or other restrictions on the subject matter of any specific 2004
2 Examination, a creditor may remotely participate in a 2004 Examination for the sole
3 purpose of observing. Any creditor seeking to do so must advise Trustee's counsel and the
4 examinee (through counsel if appropriate) at least ten (10) days prior to the date of the
5 scheduled 2004 Examination. Any such creditor shall bear sole responsibility for ensuring
6 that it has the technical capacity to attend and may attend as a passive observer, not an
7 active participant.

8 11. For the avoidance of doubt, all other matters related to the 2004 Examinations shall be
9 governed by the Federal Rules of Bankruptcy Procedure.

10 Further, if a party other than the Trustee seeks to take a 2004 Examination, the R. 2004
11 Protocols would equally apply to that party, subject to applicable law including that party's right
12 to utilize R. 2004.

13 Further, any 2004 Examination conducted in accord with these R. 2004 Protocols will have
14 been conducted before an appropriate officer so long as that officer attended the 2004 Examination
15 via the same remote means (e.g., telephone conference call or video conference) used to connect
16 all other remote participants, and so long as all participants (including the officer) can clearly hear
17 and be heard by all other participants.

18 Further, nothing in the R. 2004 Protocols prevents an examinee and its counsel from
19 electing to be in the same location for a 2004 Examination, including at such time when social
20 distancing restrictions, formal or informal, are lifted or modified.

21 Further, this Court grants T-Mobile's requests #11, 12, 13 and 14 contained in T-Mobile's
22 response to the Motion, as follows:

23 12. Any party who files a paper affecting the Rule 2004 examination of T-Mobile shall serve such
24 paper on its counsel, Martin L. Fineman, Davis Wright Tremaine LLP, 505 Montgomery Street,
25 Suite 800, San Francisco, California 94111-6533, telephone: (415) 276-6500, e-mail:
26 martinfineman@dwt.com, or through the Court's ecf system.

27 13. In keeping with Fed. R. Bank. P. 2004, Fed. R. Bank. P. 9016, and Fed. R. Civ. P. 45, the Trustee
28 shall pay all witness, mileage, and other requested fees to T-Mobile in connection with the Rule
2004 examination of T-Mobile, subject to a reasonableness standard, and shall pay any increased
expenses of T-Mobile resulting from the examination proceeding via Veritext rather than in-person,
subject to a reasonableness standard.

14. Unless otherwise stipulated or ordered by the Court, the Rule 2004 Examination of T-Mobile is
limited to one day of not more than seven hours of examination.

1 Further, this Court has exclusive jurisdiction to hear and decide matters related to the
2 application of and compliance with the R. 2004 Protocols.

3 Further, the oral 2004 Examination of SolarSense shall take place on July 14, 2020 in
4 Valley Forge, Pennsylvania and the oral 2004 Examination of KeyBank shall take place on July
5 16, 2020 in Philadelphia, Pennsylvania. These 2004 Examinations shall take place remotely in the
6 event social distancing restrictions remain in place at the time.

7 Further, unless otherwise stipulated by SolarSense or ordered by the Court, counsel for the
8 Trustee shall use his best efforts to limit the 2004 Examinations of its witness to 1 day of 7 hours
9 (exclusive of off-the-record breaks) and unless otherwise stipulated by KeyBank or ordered by the
10 Court, counsel for the Trustee shall use his best efforts to limit the 2004 Examinations of its witness
11 to 1 day of 7 hours (exclusive of off-the-record breaks).

12 Respectfully Submitted By:

13 Michael S. Budwick, Esquire (Admitted *Pro Hac Vice*)
14 (FL Bar No. 938777)

15 **Meland Russin & Budwick, P.A.**

16 200 S. Biscayne Blvd, Suite 3200

17 Miami, FL 33131

18 T: (305) 358-6363

19 F: (305) 358-1221

20 mbudwick@melandrussin.com

21 Approved By:

22 **Stevens & Lee, P.C.**

23 Robert Lapowsky, Esq.

24 Attorneys for SolarSense DCS I, LLC

25 **Duane Morris LLP**

26 Holly S. Stoberski, Esq.

27 Attorneys for KeyBank National Association

28 **Davis Wright Tremaine LLP**

Martin L. Fineman, Esq.

Attorneys for Non-Party T-Mobile USA, Inc.

#####

ALTERNATIVE METHOD Re: RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the paper.

☒ I have delivered a copy of the proposed order to all counsel who appeared at the hearing, any trustee appointed in this case and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond as indicated below.

Trustee's Counsel:

☒ Prepared / Approved the form of this order

☐ Waived the right to review the order and/or

☐ Appeared at the hearing, waived the right to review the order

☐ Matter unopposed, did not appear at the hearing, waived the right to review the order

☐ Disapproved the form of this order

☐ Did not respond to the paper

U.S. Trustee:

☐ Approved the form of this order

☐ Disapproved the form of this order

☐ Waived the right to review the order and/or

☐ Did not respond to the paper

☒ Did not appear at the hearing or object to the paper

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

I declare under penalty of perjury that the foregoing is true and correct.

Submitted by:

Meland Russin & Budwick, P.A.

/s/ Michael S. Budwick

Michael S. Budwick, Esquire (Admitted *Pro Hac Vice*)

(FL Bar No. 938777)

Mailing Information for Case 19-50102-gs**Electronic Mail Notice List**

The following is the list of parties who are currently on the list to receive email notice/service for this case.

- SETH J. ADAMS sadams@woodburnandwedge.com, mlopez@woodburnandwedge.com
- GREG ADDINGTON greg.addington@usdoj.gov, christi.dyer@usdoj.gov; danielle.bleecker@usdoj.gov
- MEGAN M. ADEYEMO madeyemo@gordonrees.com, asoto@grsm.com
- SALLIE B ARMSTRONG sarmstrong@mcdonaldcarano.com, mhale@mcdonaldcarano.com
- SIMON ARON saron@wrsllawyers.com
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